



Commission on Judicial Fitness and Disability

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Email: judfit@worldstar.com

February 23, 2012

Senator Richard Devlin
Co-Chair, Joint Ways and Means Committee
900 Court St. NE, S-209
Salem, OR 97301

Representative Peter Buckley
Co-Chair, Joint Ways and Means Committee
900 Court St. NE, H-286
Salem, OR 97301

Representative Dennis Richardson
Co-Chair, Joint Ways and Means Committee
900 Court St. NE, H-373
Salem, OR 97301

Dear Co-Chairs:

Enclosed please find letters by Chief Justice Paul DeMuniz, Judge Russell B. West, and James E. Mountain, Attorney at Law, in support of the Commission on Judicial Fitness and Disability for your consideration during the current budgeting process.

The Commission's statutory mandate is to review, investigate and, when indicated, prosecute state court judges and justices of the peace who engage in unethical conduct. No other forum is available for citizens, lawyers and other judges to bring such a complaint. The Commission prides itself in reviewing matters fairly and quickly. The members are volunteers who spend many hours reviewing all complaints filed, and attend no fewer than six half-day meetings a year, without compensation except reimbursement of expenses.

The only expense to the public is for the Executive Director (the only employee and part-time as well) and administrative costs. This is a deal by any standard. The Commission asks that you consider its important role in monitoring the justice system statewide against its minimal budget during your consideration of the state's budget.

Thank you for your time and attention to this matter.

Very Truly Yours,

COMMISSION ON JUDICIAL FITNESS
AND DISABILITY

A handwritten signature in black ink, appearing to read "Susan D. Isaacs".

Susan D. Isaacs
Executive Director

encs.



January 25, 2012

Susan Isaacs
Executive Director
Commission on Judicial Fitness and Disability
PO Box 1130
Beaverton, OR 97075

Dear Susan:

I am writing this letter to you to express my support for the valuable contributions that the Commission on Judicial Fitness and Disability makes to the administration of justice in Oregon. The Commission is charged with reviewing complaints about Oregon state judges and making recommendations to the Supreme Court regarding possible disciplinary actions when warranted.

I have been involved with the Commission in my role as Chief Justice of the Oregon Supreme Court, and as a member of the Commission. Consequently, I have observed the operation of the Commission from numerous perspectives.

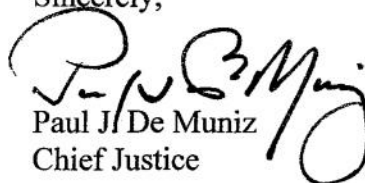
The work of the Commission is of great value because the Commission provides an available forum in which to raise concerns and questions about judicial conduct. There is no other forum for citizens, lawyers, and other judges to raise complaints about conduct by a judge and have the matter fairly and quickly reviewed. Although we are fortunate that the judges here in Oregon almost always exhibit conduct that is beyond reproach, there needs to be a forum available to air concerns when questionable conduct occurs.

The Commission provides an impartial body to assess judicial conduct: its members are appointed by the Senate, the Oregon State Bar Board of Governors, and the Chief Justice. The members comprise a cross-section of experienced attorneys, judges and public members who can and do provide an impartial assessment of the conduct in question. And the Commission is able to respond to matters and take corrective action, when necessary, much more timely than would be required should the matters be required to proceed through civil litigation or through the Bar disciplinary process.

Furthermore, the Commission provides its services economically and efficiently. Commission members expend many hours reviewing all complaints received individually and attending numerous Commission meetings during each year without compensation other than reimbursement for expenses. The only other public expenses are compensation for the part-time Executive Director position and administrative expenses primarily incurred for Commission communications.

Finally, I want to commend the Commission for the professional approach it takes in investigating, reviewing, and processing complaints brought to it. The diligence, competence, and expertise manifest by members of the Commission in evaluating complaints of alleged judicial misconduct helps the Court, the legal profession, and the public maintain confidence in the administration of justice here in Oregon.

Sincerely,



Paul J. De Muniz
Chief Justice

CIRCUIT COURT OF OREGON

TENTH JUDICIAL DISTRICT: UNION AND WALLOWA COUNTIES

RUSSELL B. WEST
Presiding Judge
1008 K Avenue
La Grande, OR 97850
(541) 962-9500
FAX (541) 962-7710

101 S. River, Rm. 204
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January 30, 2012

SUSAN D. ISAACS
EXECUTIVE DIRECTOR
COMMISSION ON JUDICIAL FITNESS AND DISABILITY
P.O. BOX 1130
BEAVERTON, OR 97075-1130

BY U.S. MAIL AND FACSIMILE 503-626-6787

Re: Judicial Fitness Commission

To Whom It May Concern:

I am writing to express my support for the Judicial Fitness Commission (hereafter JFC) and all the good work that it does. I served as Union County District Attorney from 1985 until 2002. I appeared in front of many judges with different styles and philosophies. I took the bench in 2003 in the Tenth Judicial District and have served that bench since then. Since 2008 I have served as the presiding judge for the Tenth Judicial District. I believe my roles both as a prosecutor and as a judge and a complainant to the JFC makes me uniquely qualified to comment on the value and need for the Commission. As either a judge or a trial lawyer, when you need the assistance of the JFC to review a judge's conduct, you need it fast. The longer a situation remains unresolved, the more the litigants, the bar and the public suffer.

I have had the occasion to make two complaints to the JFC during my legal career. The first complaint was in the early 1990's when I was still the Union County District Attorney. The second complaint was filed more recently against a fellow judge. Both situations involved serious problems that I was unable to address on my own. The JFC handled both complaints professionally and competently. In the first situation, the judge was recalled after being sanctioned by the commission. The second situation was resolved in a satisfactory and timely manner.

The Executive Director of the JFC, Susan Isaacs, is a hardworking individual with a high energy level. She is good at what she does; efficient and diligent in discharging her duties. The executive director is helpful, courteous and returns emails and phone calls promptly. She is able to explain the process in an understandable manner.

RW

SUSAN D. ISAACS

January 30, 2012

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I have served as a volunteer prosecutor in Oregon State Bar disciplinary proceedings and found that the contrast with JFC proceedings was noteworthy. The former are slow, and at times it feels that lawyers are afforded too much "process" and procedure. It can take more than a year to complete disciplinary procedures with lawyers. In contrast, the JFC can respond to complaints more quickly and take corrective actions within a reasonable time. When a problem develops with a judge in a judicial district, lawyers frequently start filing "blanket" affidavits disqualifying the judge from handling any matter of importance. Such tactics are perceived to be the only recourse for lawyers who believe a judge is acting in an unethical or incompetent manner. The result is a backed-up docket and dysfunctional judicial district, all to the detriment of the bar and the public.

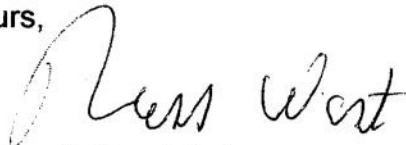
Judicial conduct needs to be regulated, and nobody except the Commission has the authority to do it. The nature of our justice system puts judges "beyond reproach." Others are not in a position to criticize or question unethical conduct by judges. There is no other forum for citizens, lawyers and other judges to bring a complaint of unethical conduct by a judge and have the matter fairly and quickly reviewed.

Members are a cross-section of experienced attorneys, judges and public members who provide an impartial assessment of the conduct in question. Geographic diversity of the Commission's membership is achieved despite the fact that three entities appoint the members: Senate, Board of Governors and Chief Justice. I believe this diversity is important because it gives the JFC credibility and expertise.

I have known some of the judges who have served on the JFC. They are all hardworking, conscientious and knowledgeable judges. Members spend many hours reviewing complaint materials, because every complaint is considered, and attending no fewer than 6 half-day meetings each year without pay or other compensation (except reimbursement of expenses). The only expense to the public is for the Executive Director (the only employee) and administrative costs. The Executive Director only works part-time. The public is getting a good deal for their money in my opinion.

I would be happy to answer any questions you may have about our Oregon Judicial Commission. I believe that as Oregonians we should all be proud of the important work that the Commission does.

Sincerely yours,

A handwritten signature in cursive script that reads "Russ West". The signature is written in dark ink and is positioned above the typed name.

Russ West, Circuit Court Judge
Tenth Judicial District

1. **Subject:** Kudos for the Judicial Fitness Commission, its Exec Dir, and its Lawyer

Date: Thu, 12 Jan 2012 19:09:33 -0800
From: James E MOUNTAIN <James.E.Mountain@harrang.com>
To: Susan Isaacs <law@sisaac.com>
CC: Shelby RIHALA <Shelby.RIHALA@harrang.com>

Dear Susan,

We just completed a very difficult case which the Judicial Fitness and Disability Commission resolved in a very fair and sensitive manner. The Commission; you, its Executive Director; and Andy Eglitis, its prosecuting attorney, all treated my client, the accused judge, firmly but respectfully. You all displayed a commitment to protect the public, but you were receptive to innovation that produced a timely and efficient resolution of a potentially troublesome situation. I am not just blowing smoke here.

I understand that the Commission's job is a hard one. Over the course of my thirty year career practicing law in Oregon, I have represented judges called to account before the Commission and I have represented the Commission in prosecuting judges alleged to have violated the Judicial Code of Ethics. I know that the Commission's responsibilities are multifaceted - they include not only supervision of the official conduct of judges, but also monitoring the physical and mental health of some members of the judicial branch -- yet the Commission's members are volunteers, its staff is part-time, and its funding is short indeed. I write to express my amazement at how the Commission does its job under these circumstances.

The case we just completed showed that, notwithstanding the inherent difficulties they face, the Commission, its staff, and its lawyers do respond to complaints about judicial misconduct in a more timely fashion than their counterparts in the civil litigation process or Bar disciplinary proceedings. The Commission provides an approachable forum for citizens seeking review of the conduct of perceptively powerful officials. The volunteer members of the Commission represent a cross-section of the Oregon community and they tackle volumes of documentation to efficiently and fairly resolve tough ethical issues that often are intertwined with difficult medical disability questions. You, Ms. Executive Director, continued to demonstrate your courtesy, knowledge, and professionalism and that was mirrored by your lawyer, Mr. Eglitis. If anybody "won" our case, which we resolved by a settlement agreement, it was the People of Oregon.

Thank you, Susan. - Jim Mountain

James E. Mountain Jr.
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